

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF TENNESSEE**  
**AT KNOXVILLE**

**PROGRESSIVE HAWAII )**  
**INSURANCE CORPORATION, )**  
                          )  
**Plaintiff, )**  
                          )  
                          )  
**vs. )** **Civil Action No. 3:12-cv-00574**  
                          )  
**NAKIA DAVIS, XAVIER BINGHAM, )**  
**RYAN WESTBROOK, ESTATE OF )**  
**JUSTIN WALKER, )**  
**JAMES A. RUSSELL, ANGELIC )**  
**HODGE, and )**  
**ALLSTATE INSURANCE COMPANY, )**  
                          )  
                          )

**Defendants.**

**MOTION FOR SUBSTITUTION OF PARTY**

Comes the Plaintiff, by and through counsel, pursuant to Rule 25 of the Federal Rules of Civil Procedure and moves this honorable Court for entry of an order substituting Gerald Gulley, Administrator Ad Litem for the Estate of Xavier C. Bingham for Xavier C. Bingham.

In support of its motion, Progressive Hawaii Insurance Corporation states that a Suggestion of Death was filed upon the record of this Court concerning the death of Xavier C. Bingham. An Order Appointing Administrator Ad Litem has been entered by the probate court for Knox County, Tennessee In Re: Estate of Xavier C. Bingham, docket no.: 73453-3, appointing Gerald Gulley as Administrator Ad Litem for the Estate of Xavier C. Bingham.

WHEREFORE, the Plaintiff moves this honorable Court for entry of an order substituting Gerald Gulley, Administrator Ad Litem for the Estate of Xavier C. Bingham for Xavier C Bingham, deceased accordingly.

Respectfully submitted,

**TRAMMELL, ADKINS & WARD, P.C.**

s/ Terrill L. Adkins  
Terrill L. Adkins, BPR #013138  
Attorney for Plaintiff  
P.O. Box 51450  
Knoxville, Tennessee 37950  
865/330-2577

**CERTIFICATE OF SERVICE**

I hereby certify that on April 23, 2013, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent by operation of the court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the court's electronic filing system.

**TRAMMELL, ADKINS & WARD, P.C.**

s/ Terrill L. Adkins  
Terrill L. Adkins